

REMARKS

Claims 1, 3, 4, 6, 7, 9-14 and 16-25 are pending. Claims 2, 5, 8 and 15 were previously canceled. Claims 1, 12, 14 and 23-25 have been amended. For the reasons presented below, Applicant respectfully requests reconsideration and withdrawal of the rejections of the claims.

Rejection Under 35 U.S.C. §101

Claim 23 was rejected under 35 U.S.C. §101 for allegedly being non-statutory because the specification does not define "computer readable medium" as including tangible media such as a physical storage device. Applicant respectfully traverses.

Even if Applicant accepts the Examiner's broad interpretation that the "computer readable medium" recited in claim 23 encompasses "intangible media such as signals, carrier waves, transmissions, [and] optical wave[s]," Applicant submits that 35 U.S.C. §101 does not prohibit such media and requests that the Examiner provide additional support for this rejection. (See, Advisory Action at Continuation Sheet).

Accordingly for at least these reasons, Applicant submits that claim 23 recites statutory subject matter and respectfully requests that the rejection of claim 23 under 35 U.S.C. § 101 be withdrawn.

Rejection Under 35 U.S.C. §103

Claims 1, 3, 4, 6, 7, 9-14 and 16-25 were rejected under 35 U.S.C. §103(a), as allegedly being unpatentable over U.S. Patent No. 5,724,492 to Matthews III, et al. ("Matthews"). Applicant respectfully traverses.

To clarify distinctions over Matthews, independent claim 1 has been amended to recite, among other features, "detecting a change between active applications running on a computer from a first application to a second application," "replacing a first GUI element associated with the first application that is displayed on a computer display with a second GUI element associated with the second application," and "in response to detecting the change between active applications, providing visual notification of the change between active applications by rendering animation graphics to animate a transition between display of the first and second GUI elements, wherein the animated transition aids user recognition of differences between the first GUI element and the second element."

Matthews describes solving the problem of indicating to a user the presence of the other panels, as well as convincing the user that the menu object is a three-dimensional representation, by providing animated three-dimensional images during the three-dimensional menu object's open, close and panel-to-panel transitions. (Matthews at col. 18, lines 10-18 and 36-40, and FIGS. 11-12).

Matthews describes how a viewer uses a stylus to intentionally view different menu panels and select desired menu items, as well as to intentionally dismiss the three-dimensional menu object. (See, Matthews at col. 18, lines 62-63 and col. 19, lines 25-32). Nowhere does Matthews describe "in response to detecting the change between active applications, providing visual notification of the change between active applications by rendering animation graphics to animate a transition between display of the first and second GUI elements, wherein the animated transition aids user recognition of differences between the first GUI element and the second element," as recited in claim 1 (emphasis added).

For at least these reasons, Applicant submits that claim 1, as well as claims 3, 4, 6, 7, 9-13 and 24, which depend therefrom, are patentable over Matthews. Likewise, for reasons analogous to those presented for claim 1, Applicant submits that claim 14, claims 16-22 and 25, which depend therefrom, and claim 23 are also patentable over Matthews. Accordingly, Applicant respectfully requests that the rejection of claims 1, 3, 4, 6, 7, 9-14 and 16-25 under 35 U.S.C. §103(a) in view of Matthews be withdrawn.

In the event that there are any questions concerning this paper, or the application in general, the Examiner is respectfully urged to telephone Applicant's undersigned representative so that prosecution of the application may be expedited.

Respectfully submitted,

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